

Applicant thanks Examiner Lopez for recognizing allowable subject matter in claims 18 and 19. By this Amendment, claim 18 is rewritten in independent form.

In the Office Action, the drawings were objected to based on the reference character "60" being used to indicate a band and a pulley. By this Amendment, a typographical error on page 34 of the specification is corrected. Therefore, it is respectfully requested that the objection be withdrawn.

In the Office Action, the drawings were objected to based on the assertion that reference character "65" was not mentioned in the description. Applicant respectfully disagrees with this assertion and directs attention to the specification at page 31, line 20, where reference character "65" is described. As a result, no drawing changes are required and it is respectfully requested that the objection be withdrawn.

In the Office Action, the disclosure was objected to based on the omission of a date and serial number of a cited patent application. By this Amendment, the specification is amended to include the serial number and filing date of the cited application.

In the Office Action, claim 23 was objected to based on the misspelling of the word "section". By this Amendment, this typographical error is corrected.

In the Office Action, claims 12-28 were rejected under 35 U.S.C. §112, second paragraph based on a lack of antecedent basis for the term "the type" in claim 12. By this Amendment, claim 12 is amended to obviate the rejection. Therefore, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 12-16 and 27 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,781,204 to Barbe et al. The rejection is respectfully traversed.

Claim 12 includes the feature of “a rolling unit having surfaces defining a channel”.

In contrast, the rolling units of Barbe do not define a channel. Further, claim 12 includes the feature of “means for feeding into said inlet successive products of a series of products having tubular wrappers each of which is contacted by the respective strip whereby the wrappers are caused to roll due to contact with said surfaces and to thus convolute the strips thereabout in a first portion of the channel at said inlet”. In contrast, Barbe does not disclose any such strips being carried by a tubular wrapper and, further, does not disclose the convoluting of the strips about the wrappers. In addition, claim 12 includes the feature of “a rolling unit having surfaces defining a channel and including first and second surfaces.....wherein a portion of one of the first and second surfaces is stationary”. In contrast, Barbe does not disclose a portion of any relevant surface being stationary.

In light of the above, it is respectfully submitted that Barbe does not disclose each and every feature of claims 12-16 and 27, and, therefore, rejection under 35 U.S.C. §102(b) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 12-17, 20, 21, 23 and 27 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,483,873 to Hinzmann. The rejection is respectfully traversed.

Claim 12 includes the feature of “a rolling unit having surfaces defining a channel and including first and second surfaces.....wherein a portion of one of the first and second surfaces is stationary”. In contrast, Hinzmann does not disclose a rolling unit including first and second surfaces wherein a portion of one of the first and second surfaces is stationary.

Applicant respectfully disagrees with the office action’s assertion that drum 33 of Hinzmann is stationary. Drum 33 is a rotating drum and is, therefore, not stationary.

In light of the above, it is respectfully submitted that Hinzmann does not disclose each and ever feature of claims 12-17, 20, 21, 23 and 27, and, therefore, rejection under 35 U.S.C. §102(b) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 12-16 and 27 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,249,545 to Gretz et al. The rejection is respectfully traversed.

Claim 12 includes the feature of “a rolling unit having surfaces defining a channel and including first and second surfaces.....wherein a portion of one of the first and second surfaces is stationary”. In contrast, Gretz does not disclose a rolling unit including first and second surfaces wherein a portion of one of the first and second surfaces is stationary.

In light of the above, it is respectfully submitted that Gretz does not disclose each and ever feature of claims 12-16 and 27, and, therefore, rejection under 35 U.S.C. §102(b) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 12-17 and 27 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,090,826 to Hinzmann. The rejection is respectfully traversed.

Claim 12 includes the feature of “a rolling unit having surfaces defining a channel and including first and second surfaces.....wherein a portion of one of the first and second surfaces is stationary”. In contrast, Hinzmann does not disclose a rolling unit including first and second surfaces wherein a portion of one of the first and second surfaces is stationary.

In light of the above, it is respectfully submitted that Hinzmann does not disclose each and ever feature of claims 12-17 and 27, and, therefore, rejection under 35 U.S.C. §102(b) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 12-16 and 27 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,648,412 to Heitmann. The rejection is respectfully traversed.

Claim 12 includes the feature of “a rolling unit having surfaces defining a channel and including first and second surfaces.....wherein a portion of one of the first and second surfaces is stationary”. In contrast, Heitmann does not disclose a rolling unit including first and second surfaces wherein a portion of one of the first and second surfaces is stationary.

In light of the above, it is respectfully submitted that Heitmann does not disclose each and every feature of claims 12-16 and 27, and, therefore, rejection under 35 U.S.C. §102(b) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 12-17, 20-22, 24-26 and 27 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,281,670 to Heitmann. The rejection is respectfully traversed.

Claim 12 includes the feature of “a rolling unit having surfaces defining a channel and including first and second surfaces.....wherein a portion of one of the first and second surfaces is stationary”. In contrast, Heitmann does not disclose a rolling unit including first and second surfaces wherein a portion of one of the first and second surfaces is stationary.

In light of the above, it is respectfully submitted that Heitmann does not disclose each and every feature of claims 12-17, 20-22, 24-26 and 27, and, therefore, rejection under 35 U.S.C. §102(b) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 12-17, 20-23 and 27 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,148,818 to Arthur. The rejection is respectfully traversed.

Claim 12 includes the feature of "a rolling unit having surfaces defining a channel and including first and second surfaces.....wherein a portion of one of the first and second surfaces is stationary". In contrast, Arthur does not disclose a rolling unit including first and second surfaces wherein a portion of one of the first and second surfaces is stationary.

In light of the above, it is respectfully submitted that Arthur does not disclose each and ever feature of claims 12-17, 20-23 and 27, and, therefore, rejection under 35 U.S.C. §102(b) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claim 28 was rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,781,204 to Barbe et al., or alternately over U.S. Patent No. 4,249,545 to Gretz et al., or alternately over U.S. Patent No. 4,090,826 to Hinzmann, or alternately over U.S. Patent No. 4,648,412 to Heitmann, or alternately over U.S. Patent No. 4,281,670 to Heitmann, and further in view of U.S. Patent No. 2,952,105 to Schur. The rejection is respectfully traversed.

As Shur does not remedy the deficiencies of Barbe, Gretz, Hinzmann, Heitmann '412, or Heitmann '670, discussed above, it is respectfully submitted that the combination of Shur and any of these references does not suggest the features of claim 28.

In light of the above, it is respectfully submitted that none of the applied combinations suggests the features of claim 28, and, therefore, rejection under 35 U.S.C. §103(a) is inappropriate. As a result, it is respectfully requested that the rejection be withdrawn.

Applicant: Manfred Dombek
Appl. No.: 09/773,490

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Prompt and favorable reconsideration is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

It is believed that no fees are due with this Amendment. However, should any fees be required, please charge or credit our Deposit Account No. 22-0261 and advise us accordingly.

Respectfully submitted,

Date: November 29, 2002



Stuart I. Smith
Registration No. 42,159
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 962-4800
Telefax: (202) 962-8300

ATTACHMENT A

In the Specification:

First full paragraph on Page 34:

Fig. 4 shows certain details of an apparatus 1-4 [4] which differs from the apparatus 1-3 primarily in that the bands 18, 62 of Fig. 3 are replaced by a single endless band 76 trained over the pulleys 26, [60] 68 and over three additional pulleys or sheaves 28, 70, 78 which cause the median portion of the upper reach of the band 76 to travel beneath the stationary rolling member 30. The spacing of the groups 6a-6c on the conveyor 10 and of the cigarettes 6 in the portions 50, 52, 72 of the rolling channel 14 and on the conveyor 66 corresponds to the ratio 12:9:12:9:6, i.e., the same as in the apparatus 1-3 of Fig. 3.

First full paragraph on Page 42:

The features of the apparatus 1-1 can be combined with or utilized in lieu of certain features of the apparatus 1-2 to 1-6 and/or vice versa. Furthermore, certain features of the aforesubscribed presently preferred embodiments of the improved apparatus are believed to be novel *per se* and, therefore, merit patent protection with as well as independently of other features of the respective apparatus. For example, the features which are shown in and which were described with reference to Figs. 6 to 8 are believed to merit patent protection individually (such as the perforating unit) as well as jointly with other features (such as the means defining an arcuate rolling channel which extends beyond the perforating unit).

Reference should be had to the commonly owned copending patent application Serial No.

09/775,638 filed [January] February 5, 2001 by Manfred Dombek for "METHOD OF AND

APPARATUS FOR INCREASING THE PERMEABILITY OF WRAPPERS OF ROD-SHAPED ARTICLES". Figs. 1-3 of the just mentioned copending patent application are identical with Figs. 6-8 of the present application.

In the claims:

12. (Amended) Apparatus for treating smokers' products of [the] a type wherein a rod-shaped component is surrounded by a tubular wrapper carrying a deformable strip, comprising:

 a rolling unit having surfaces defining a channel and including first and second surfaces at least one of which moves relative to the other thereof, said channel having an inlet and an outlet;

 means for feeding into said inlet successive products of a series of products having tubular wrappers each of which is contacted by the respective strip whereby the wrappers are caused to roll due to contact with said surfaces and to thus convolute the strips thereabout in a first portion of the channel at said inlet; and

 means for changing the permeability of the wrappers during rolling at least in a second portion of the channel between said first portion and said outlet,

wherein a portion of one of the first and second surfaces is stationary.

18. (Amended) [The apparatus of claim 12,] Apparatus for treating smokers' products of a type wherein a rod-shaped component is surrounded by a tubular wrapper carrying a deformable strip, comprising:

a rolling unit having surfaces defining a channel and including first and second surfaces at least one of which moves relative to the other thereof, said channel having an inlet and an outlet;

means for feeding into said inlet successive products of a series of products having tubular wrappers each of which is contacted by the respective strip whereby the wrappers are caused to roll due to contact with said surfaces and to thus convolute the strips thereabout in a first portion of the channel at said inlet; and

means for changing the permeability of the wrappers during rolling at least in a second portion of the channel between said first portion and said outlet,

wherein said rolling unit includes a first endless band having an external surface constituting said at least one surface, a second endless band having an external surface constituting said other surface, and means for driving at least one of said endless bands.

23. (Amended) The apparatus of claim 20, wherein said endless band comprises three endless sections, one of said [sectons] sections being flanked by the other two of said sections and said other sections cooperating with said stationary rolling member to define said second portion of said channel, said three sections cooperating with a further band to define said first portion of said channel and said rolling unit further comprising means for deflecting said one section from said channel between said first and second portions of said channel.